

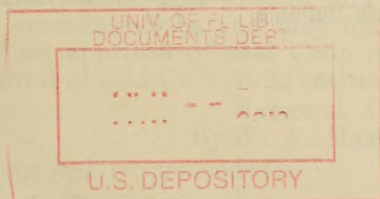
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

BRATTICE CLOTH
MANUFACTURING INDUSTRY

AS APPROVED ON APRIL 22, 1935



UNITED STATES
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Approved Code No. 535—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BRATTICE CLOTH MANUFACTURING INDUSTRY

As Approved on April 22, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BRATTICE CLOTH MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Brattice Cloth Manufacturing Industry, and an opportunity to be heard thereon having been given, and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they hereby are approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

M. D. VINCENT,
Acting Division Administrator.

WASHINGTON, D. C.,
April 22, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on amendments to the Code of Fair Competition for the Brattice Cloth Manufacturing Industry. Notice of Opportunity to be Heard on these amendments was published on March 13, 1935; no objections were received within the given twenty (20) day period ending April 2, 1935. The amendments, which are attached, were presented by duly authorized and qualified representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority under the provisions of Administrative Order No. 535-4, signed February 8, 1935, which granted the application of the Industry to elect its own Code Authority rather than operate under the General NRA Code Authority as set forth in the Code of Fair Competition for this Industry.

These amendments provide for: (1) Establishment of Industry Code Authority; (2) Mandatory Assessment Provision; and (3) Classification of Customers. These proposed amendments are standard provisions.

The Deputy Administrator in his final report to the National Industrial Recovery Board on the said amendments to the said Code having found as herein set forth, and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The Code Authority is empowered to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

APRIL 22, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BRATTICE CLOTH MANUFACTURING INDUSTRY

Delete Article IV of the Code of Fair Competition for the Brattice Cloth Manufacturing Industry, and substitute therefore the following:

ARTICLE IV

(A) Administration

To further effectuate the policies of the Administration, a Code Authority is hereby constituted to cooperate with the N. I. R. B. in the administration of this Code.

The Code Authority shall be constituted as follows and selected in the following manner:

(1) The Code Authority shall consist of three (3) voting members to be selected by a fair method of selection approved by the N. I. R. B., each member to serve for a term of one year.

(2) In addition to membership as above provided, there may be three (3) members without vote to be known as Administration Members to be appointed by the N. I. R. B., to serve for such terms as the N. I. R. B. may specify.

(3) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the N. I. R. B. true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the N. I. R. B. may deem necessary to effectuate the purposes of the Act.

(4) In order that the Code Authority shall at all times be truly representative of the Industry, and in other respects comply with the provisions of the Act, the N. I. R. B. may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

(5) Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

(6) If the N. I. R. B. shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust

or contrary to the public interest, the N. I. R. B. may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall not be effective unless the N. I. R. B. approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

(7) Subject to rules and regulations issued by the N. I. R. B., the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act;

(b) To adopt By-Laws and Rules and Regulations for its procedure;

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code, such information and reports to be collected by a confidential and disinterested agent of the Code Authority. In addition to information required to be submitted to such agent of the Code Authority, members of the Industry subject to the Code shall furnish such statistical information as the N. I. R. B. may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State Agencies as it may designate; provided that nothing in the Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government Agency. No individual report shall be disclosed to any other member of the Industry or to any other party except to such other Government Agencies as may be directed by the N. I. R. B.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code, and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof;

(e) To recommend to the N. I. R. B. any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including amendments of this Code which shall become effective as part hereof upon approval by the N. I. R. B. after such notice and hearing as it may specify;

(f) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other Codes to the end that such fair trade practices may be proposed to the N. I. R. B. as amendments to this Code and such other Codes;

(g) To provide appropriate facilities for arbitration, and subject to the approval of the N. I. R. B., to prescribe rules of procedure and rules to effect compliance with awards and determinations;

(h) To make recommendations to the N. I. R. B. for the coordination of the administration of this Code and such other Codes, if any, as may be related to or affect members of this Industry.

(B) Expenses of Code Administration

It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the N. I. R. B. for approval, subject to such notice and opportunity to be heard as may be deemed necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(3) After such budget and basis of contribution have been approved by the N. I. R. B., to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefore in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, which is determined as hereinbefore provided, and subject to rules and regulations pertaining thereto issued by the N. I. R. B. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligations substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the N. I. R. B.; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the N. I. R. B. shall have so approved.

Amend Article V—Trade Practices—by the addition thereto of Section (iii).

(iii) Classification of Customers

(aa) The Code Authority shall cause to be formulated and keep current a classification of all types of customers of the Industry. Such classification shall be subject to the disapproval of the N. I. R. B. and shall contain (1) a complete list of all of the classes of customers of the Industry, including a class to cover every known type of customers; and (2) definitions or descriptions of the several

classes in terms of functions performed, or in other appropriate terms, such as purchasers of defined qualities.

(ab) After submission to the N. I. R. B., if there is no disapproval or request for suspension of action within twenty (20) days, full information concerning the classification shall be made available to all members of the Industry. No one shall by intimidation, coercion, or other undue influence cause or attempt to cause the inclusion of any customer in or the exclusion of any customer from any class of customers, or the exclusion of any class of customers from the classification, or the use of uniform or stipulated prices, discounts, or differentials, and each member of the Industry may at all times classify his own customers in accordance with his own judgment.

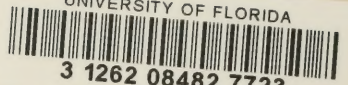
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